

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney
JOANN SWANSON (CSBN 88143)
Chief, Civil Division
CHARLES M. O'CONNOR (CSBN 56320)
Assistant United States Attorney
450 Golden Gate Avenue, 9th Floor
P.O. Box 36055
San Francisco, CA 94102
415-436-7180

Attorneys for the Federal Defendants

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ROHNERT PARK CITIZENS TO ENFORCE
CEQA, and DOES 1 through 5, inclusive

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF
TRANSPORTATION, UNITED STATES
DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION,
and DOES 6 through 10, inclusive,

Defendants.

Civil No. 07-04607 TEH

**UNITED STATES' STATEMENT
OF NO POSITION ON MERITS
OF MOTION TO DISMISS
BY DEFENDANT CALTRANS**

Hearing Date: June 2, 2008
Hearing Time: 10:00 A.M.
Courtroom: 12

The defendant California Department of Transportation has moved to dismiss the case against it pursuant to Federal Rules of Civil Procedure 12 (b)(1).

The defendant United States Department of Transportation, Federal Highway Administration takes no position on the merits of the referenced motion to dismiss.

DATED: May 15, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/

CHARLES M. O'CONNOR
Assistant United States Attorney

Attorneys for the United States of America